
OLR Bill Analysis

HB 6489

AN ACT REQUIRING DNA TESTING OF PERSONS ARRESTED FOR THE COMMISSION OF A SERIOUS FELONY.

SUMMARY:

Beginning October 1, 2011, this bill requires people arrested for any of 39 serious felony offenses to provide a DNA sample before they are released from custody. The law enforcement agency that makes the arrest sets the time and place for collecting, and collects, the sample.

The bill eliminates the requirement for (1) convicted felons and (2) offenders convicted or found not guilty by reason of mental disease or defect of sex offenses that generally require registration with the Department of Public Safety (DPS) to provide a sample before they are released from custody or commitment or are sentenced without confinement, as applicable, if they provided a sample at the time of their arrest.

The bill expands the circumstances under which the DPS' Division of Scientific Services must expunge a DNA profile from the DNA data bank and the State Police forensic laboratory must purge all records of it. It eliminates the requirement for offenders to request the expungement or purging.

Lastly, the bill makes technical changes.

EFFECTIVE DATE: October 1, 2011

PROVIDING DNA SAMPLES

Upon Arrest

The bill requires people arrested for the following selected felony offenses to provide a DNA sample before they are released from custody.

Murder	Capital Felony	Felony Murder	Arson Murder
First- and Second-Degree Manslaughter	First- and Second-Degree Manslaughter with a Firearm	Second-Degree Manslaughter with a Motor Vehicle	Misconduct with a Motor Vehicle
First- and Second-Degree Assault	First- and Second-Degree Assault of elderly, disabled, or pregnant person	Second-Degree Assault with a Firearm	Second-Degree Assault of elderly, disabled, or pregnant person with a firearm
First-Degree Sexual Assault	Aggravated First-Degree Sexual Assault	Spousal Rape	Third-Degree Sexual Assault with a Firearm
First- and Second-Degree Kidnapping	First- and Second-Degree Kidnapping with a Firearm	First-Degree Unlawful Restraint	Home Invasion
First- and Second-Degree Burglary	Second- and Third-Degree Burglary with a Firearm	First- and Second-Degree Arson	First-, Second-, and Third-Degree Robbery
Assault of Public Safety, Emergency Medical, or Public Transit Personnel	Prison Rioting	Inciting Prison Rioting	First-Degree Stalking

After Sentencing

Under current law, convicted felons, convicted sex offenders required to register with DPS, and offenders found not guilty of such sex offenses by reason of mental disease or defect must provide a DNA sample before they are released from prison or confinement or sentenced if their sentence does not include incarceration, as applicable. The bill limits this requirement to those offenders who did not provide a sample at the time of their arrest.

By law, offenders convicted of a criminal offense against a minor, nonviolent sexual offense, or sexually violent offense must register as a sex offender with DPS.

DESTROYING DNA SAMPLES

The bill expands the circumstances under which the DPS' Division of Scientific Services must expunge a DNA profile from the DNA data bank and requires the division to complete the expungement when the circumstances are present, rather than upon the offender's request. In addition to expunging a profile if a court reverses the criminal conviction or finding of not guilty by reason of mental disease or defect that constituted grounds for collecting the sample, the bill

requires the division to expunge it if an arrestee who provides a sample is acquitted or the charges against him or her are *nolled* or dismissed.

Likewise, the bill requires the State Police Forensic Laboratory to purge all records and identifiable information and destroy all samples submitted and included in its data bank upon receipt of a certified copy of a court order acquitting an accused of the charge against him or her or dismissing or *nolling* the charge that formed the basis for inclusion in the data bank. By law, the laboratory must purge records upon receipt of a certified copy of a court order reversing and dismissing the conviction or commitment.

BACKGROUND

Related Bills

sHB 5341, reported favorably by the Public Safety Committee, requires offenders to register if they are convicted of a felony that involves the use, attempted use, or threatened use of physical force against another person or results in serious physical injury or death.

HB 6538, also reported favorably by the Judiciary Committee, (1) allows the Department of Correction commissioner to use reasonable force to collect DNA samples, (2) requires people who must provide a sample to submit a second sample if the first one is not of sufficient quality, and (3) amends the law on disseminating information from the DNA databank.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 29 Nay 13 (04/06/2011)